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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,997	02/25/2000	Axel Schultze	4705US	7703

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/514,997

Applicant(s)

SCHULTZE, AXEL

Examiner

Susanna M. Diaz

Art Unit

3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,7-17,20-34,36-40 and 42-77.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other: _____

SUSANNA M. DIAZ
PRIMARY EXAMINER

AU3623

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Applicant argues "that Eng teaches that the same person may contact (through mail or e-mail) another person prior to contacting by phone. Therefore, Eng does not teach or suggest 'sending a first confirmation message to the lead prior to the sales agent contacting the lead' because if the letter or e-mail of Eng is sent by the same person that does the calling, then it cannot possibly be 'prior to the sales agent contacting the lead.'" (Page 17 of Applicant's response) Looking toward the specification, the recited "confirmation message" can be an e-mail. Analogously, Eng discloses the concept of sending a contact an introductory e-mail message prior to a person personally contacting the contact to set up an interview. The Examiner interprets the personal contact of a person with Eng's contact to be analogous to the recited concept of sending a confirmation message to a lead prior to a sales agent contacting the lead. Technically, the introductory e-mail message is an initial form of contact between a sales agent and lead; however, having looked toward the specification (see at least pages 13-14 of the specification), the Examiner understood the spirit of the claimed invention to imply that the limitation "prior to the sales agent contacting the lead" referred to any communication made to the lead prior to the sales agent personally communicating live with the lead (e.g., by telephone or in person). This concept is taught by Eng; therefore, the Examiner maintains that one of ordinary skill in the art at the time of Applicant's invention would have indeed found it obvious and been motivated to combine the teachings of Eng with the base references to yield the claimed invention. Furthermore, while Applicant admits that "Boudrow suggests the idea of providing exclusive leads for a number of days," Applicant asserts that the "combination of references does not show or suggest implementing the idea of 'exclusive leads' by the method step of 'moving the lead from an active set of the electronic lead database to a selected set of the electronic lead database for a predetermined time period.'" (Page 18 of Applicant's response) Applicant provides a piecemeal analysis of the references. Anderson teaches database capabilities while Boudrow provides sufficient teaching and motivation to adapt Anderson's database to accommodate such an arrangement of identifying leads as exclusive, or inaccessible by others, for a given period of time. Also, it should be noted that the specification states that the "lead control unit 114 then automatically 324 removes the selected lead(s) from the active set of leads and places them in a 'selected' set of leads" (page 15 of the specification). The specification does not explain whether or not the selected leads are literally deleted from one database and physically moved to another or merely tagged as selected but maintained in the same database; therefore, Applicant's argument that "the database in Anderson could be modified in any number of ways to accomplish that idea, for example, by disabling the contact information downloading feature for already selected leads" is not persuasive. In light of the conceptual teachings of Boudrow of making leads exclusive for a specified period of time, the Examiner maintains that one of ordinary skill in the art at the time of Applicant's invention would have indeed found it obvious and been motivated to combine the teachings of Boudrow with those of Anderson to address the limitation in question for the reasons already presented in the art rejection .